

Report Date: May 11, 2022

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**May 11, 2022**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Hector Diaz

Case Number: 0980 2:16CR00036-TOR-1

Address of Offender: [REDACTED], Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: March 29, 2018

Original Offense: Conspiracy to Distribute 500 Grams or More of a Mixture or Substance Containing Methamphetamine, 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) and 846

Original Sentence: Prison - 30 months
TSR - 60 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 8 months
10/06/2021
TSR - 52 months

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: March 28, 2022

Defense Attorney: Molly Winston

Date Supervision Expires: July 27, 2026

PETITIONING THE COURT

To issue a summons.

On April 5, 2022, supervised release conditions were reviewed with Mr. Diaz at the U.S. Probation Office in Richland, Washington. Mr. Diaz signed a copy of his judgment acknowledging an understanding of his conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Special Condition #4: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Hector Diaz is considered to be in violation of his conditions of release by using a controlled substance, marijuana, on or about March 29, and April 3, 2022.

Mr. Diaz reported to the U.S. Probation Office in Richland, Washington, on April 5, 2022. He admitted to using marijuana on or about April 3, 2022, with a female friend who came by his residence. Mr. Diaz also admitted to using marijuana on or about March 29, 2022, while he was in California with other passengers on the bus he was waiting to board to return

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home from his release from the Bureau of Prisons. Mr. Diaz signed a drug use admission form admitting to this use as well.

- 2 **Special Condition #3:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Hector Diaz is considered to be in violation of his conditions of release by failing to obtain a substance abuse evaluation at Merit Resource Services as directed as of May 10, 2022.

Mr. Diaz reported to the U.S. Probation Office in Richland, Washington, on April 5, 2022. During the office contact, Mr. Diaz was directed to complete a substance abuse evaluation at Merit Resource Services (Merit).

Mr. Diaz was contacted at his residence on April 18, 2022. He was asked about the status of his substance abuse evaluation at Merit. He reported he had contacted Merit and was told they accept walk-in's for evaluations weekly, Monday through Wednesday. Mr. Diaz reported he had two active warrants out of Pasco Municipal Court for previous driving under the influence of alcohol conditions and he was wanting to turn himself in on those warrants and then would complete his assessment after releasing from however long that period of incarceration would be.

The undersigned officer has not received confirmation from Merit that the substance abuse evaluation was completed, nor received notice that Mr. Diaz had turned himself in on his warrants. Mr. Diaz was contacted by telephone on May 10, 2022, and admitted to "slacking" and has not completed his assessment, and admitted his warrants from Pasco Municipal Court are currently still active.

- 3 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Hector Diaz is considered to be in violation of his conditions of release by failing to attend random drug testing at Merit Resource Services (Merit) on May 9, 2022.

Mr. Diaz reported to the U.S. Probation office in Richland, Washington, on April 5, 2022. During this contact, Mr. Diaz was referred to Merit and placed on their drug testing hotline. He was directed to call the drug testing hotline daily and report to their office for drug testing when the color gold was called.

On May 10, 2022, the undersigned received notice from Merit that the color gold was called on May 9, 2022, and Mr. Diaz was not present for a drug test.

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The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 11, 2022

s/Daniel M. Manning

Daniel M. Manning
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Thomas O. Rice
United States District Judge

May 11, 2022

Date